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SIPDIS

DEPARTMENT FOR A/S CARSON, NSC FOR SENIOR DIRECTOR FOR
AFRICA GAVIN

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SUBJECT: A/S CARSON AND NSC SENIOR DIRECTOR GAVIN'S MEETING WITH
PRESIDENT KIBAKI

REF: A. NAIROBI 807
1B. NAIROBI 712
1C. NAIROBI 458
1D. NAIROBI 413

Classified By: Ambassador Michael E. Ranneberger for reasons 1.4 (B
and
D)

SUMMARY

11. (C) Assistant Secretary for African Affairs (A/S) Johnnie Carson and National Security Council (NSC) Senior Director for Africa Michelle Gavin met with President Mwai Kibaki and several high-ranking GOK officials on May 12. A/S Carson told Kibaki that his visit was meant to underscore the enormous friendship and long-standing partnership between the United States and Kenya. However, Carson stated that his visit was also meant to emphasize concern in Washington that the coalition government is pulling apart rather than coming together and that this threatens implementation of the reform agenda and renewed instability. Carson told Kibaki that the U.S. - Kenya partnership will strengthen politically and economically if Kenya moves forward as a strong democracy and offered U.S. assistance to keep things on track. NSC Senior Director for Africa Gavin commented that President Obama is "deeply concerned" with the lack of progress on reform. Gavin also conveyed a message from the President that there will be no "business as usual" with actors who obstruct the reform agenda or who advocate a return to violence, but added that the U.S. wants to help Kenya move forward.

12. (C) President Kibaki expressed his gratitude for U.S. involvement during the crisis, but denied that Kenya was not making progress. Kibaki stated that the coalition government is moving forward together. He allowed the other attendees to discuss progress in implementing the reform agenda, mostly formation of commissions which GOK interlocutors termed as executive in nature. A/S Carson replied that process is no substitute for progress, and that progress is not a substitute for positive, full implementation of the reform agenda. A/S Carson also highlighted Washington's growing concern about the human rights situation and police impunity. The recent assassination of two human rights activists and the subsequent lack of progress investigating the case, had, "cast an enormous shadow over police and the judicial process as a whole," according to Carson. Failure to hold people accountable contributes to the perception that Kenya is not moving in the right direction and this is the reality that the GOK must deal with, he warned. A/S Carson stressed the importance that the coalition partners continue to seek dialogue and reconciliation, and to find accommodation to reduce tensions. He concluded by reiterating the importance of Kenya and the United States' continuing commitment to helping Kenya move forward. End Summary.

A Strong U.S. - Kenya Partnership

¶3. (C) Assistant Secretary for African Affairs (A/S) Johnnie Carson and National Security Council (NSC) Senior Director for Africa Michelle Gavin met with President Mwai Kibaki on May 112. The meeting was also attended by several high-ranking GOK officials, including Minister of Internal Security and Provincial Administration George Saitoti, Minister of Justice, National Cohesion and Constitutional Affairs (Minister of Justice) Mutula Kilonzo Attorney General Amos Wako, and the Head of the Civil Service Francis Muthaura. A/S Carson noted the fact he made Kenya his first substantive trip since being confirmed as A/S underscores the importance we attach to the relationship. A/S Carson noted that Kenya is the United States' strongest partner in East Africa and on the Horn of Africa. He added that the U.S. Embassy in Nairobi is the largest in sub-Saharan Africa and represents a fundamental belief in the strength of our relationship.

... But Renewed Concern

¶4. (C) However, A/S Carson explained that a second reason for his trip to Kenya is to express renewed and deep concern that the grand coalition government not fully implementing the reform agenda. Public frustration is building and could lead to increased instability if the reforms are not implemented. The Assistant Secretary stated that the U.S. - Kenya partnership will be much stronger on the political and economic fronts if Kenya continues to move forward as a

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strong democracy. A/S Carson offered U.S. help to keep things on track, but stated the U.S. will also speak out to urge action.

President Obama Deeply Concerned

¶5. (C) National Security Council Senior Director for Africa Michelle Gavin stated that she had spoken with President Barack Obama about Kenya before departing Washington. Gavin stated that the President wanted her to come to Kenya with the A/S to make clear the concerns of the White House. She told Kibaki that President Obama is "deeply concerned" with events in Kenya and relayed the President's view that political gridlock threatens stability and implementation of the reform agenda, which she termed most important for Kenya's long-term future. She noted that, because Kenya is such an important nation, the U.S. wants to help Kenya move forward in a way that will give Kenyans more opportunities. Gavin told Kibaki that President Obama asked her to convey the message that there will be no "business as usual" with actors who obstruct the reform agenda or who advocate a return to violence.

Kibaki: We Are On Track

¶6. (C) In brief remarks, President Kibaki said, "I see a different picture; the picture I have is we (the coalition partners) are getting close together." He denied that Kenya was returning to crisis and he did not see why people think the grand coalition government is pulling apart. The grand coalition government is moving forward together to solve Kenya's problems. He supposed that the concern may be caused by the large amount of political noise surrounding certain issues. With that, Kibaki asked the other attendees to brief A/S Carson on the achievements of the coalition government, which included the recent formation of a police reform commission (Septel), the appointment of an interim electoral commission (Reftel A), the upcoming appointment of an interim boundary commissions to re-set electoral boundaries, and resolving financial constraints on the work of the recently

appointed Constitutional Panel of Experts (Reftel B), and that Cabinet is preparing to consider a report on land reform. Looking forward, Minister of Justice Mutula Kilonzo said that judicial reform was high on his agenda and that he will work with Prime Minister Raila Odinga's Orange Democratic Movement (ODM) to agree on the necessary steps. Kilonzo agreed that progress on the reform agenda has been slower than anticipated, but argued that progress is being made. He argued that any perceived delay in pursuing the reform agenda is due to debate and disagreements that are inherent in Kenya's democratic system. All interlocutors noted that these processes are expensive and that the GOK is facing severe financial constraints. All asked A/S Carson to consider providing financial support to these processes.

Process Is No Substitute for Progress

¶ 17. (C) A/S Carson expressed his appreciation for the work that has been done thus far, but stressed that "process, while important, is no substitute for progress." He elaborated that progress itself is not a substitute for full, positive implementation of the reform agenda. He warned that the Kenyan public is becoming increasingly impatient with the perception that the GOK is going slow on implementation. A/S Carson also told the attendees that he is well aware of Kenya's history of responding to complex crises with commissions, but that Kenya has rarely acted on their recommendations. He told Kibaki that the GOK needs to act on the recommendations of the recently-formed commissions or else the public will lose faith in the government. On the issue of financial support, A/S Carson noted that the U.S. has been a strong and reliable donor to Kenya and is prepared to help as much as it can. He made clear that the U.S. will help, but only as part of progress towards full implementation of the reform agenda. A/S Carson warned that the U.S. does not wish to assist processes that go on and on without achieving results. Carson also stress the need for full and equal power-sharing within the coalition.

A Warning on Human Rights

¶ 18. (C) A/S Carson also delivered a strong message on human rights, police impunity, and the need for accountability. Carson told Kibaki that the "assasination" of two prominent

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human rights activists (Reftel C) had shaken Washington. The subsequent lack of investigation or arrests has cast an enormous shadow over the police and the justice system as a whole. This is the reality that the government must deal with, A/S Carson told Kibaki. He added that President Kibaki had the power to act to improve this perception. In a barely disguised plea for Kibaki to remove Police Commissioner Hussein Ali, who has been linked with extrajudicial killings by the U.N. Special Rapporteur for Extrajudicial Killings (Reftel D), Carson stated that the President has the power to remove an official who is either derelict in his duty or found wanting. It is the failure of Kenyan government to remove officials who are unable to execute their jobs that contributes to the perception that things are not moving forward, Carson added.

Kenya's Importance

¶ 19. (C) A/S Carson reaffirmed Kenya's importance to the U.S., stating that no country between Cairo and Capetown is more important than Kenya. The deep friendship and deep partnership requires the U.S. to air its concerns that the reform agenda is not moving forward, he added. Responding to an argument made by the Head of the Civil Service Francis Muthaura that political gridlock is a result of Kibaki's party not agreeing with ODM's position on appointments and the nature of power-sharing, the Assistant Secretary stated

that, in a tense environment such as Kenya, it is important that the coalition partners continually seek dialogue and reconciliation, and pursue accommodation to reduce tensions. Carson added that Kenya's post-election violence had impacted most of East Africa and that Washington would speak out if there is a possibility of renewed violence.

¶10. (C) In response, President Kibaki stated that "if these guys (the Ministers present) say they will undertake reforms, they will do it and will do things with an eye towards implementation, not just process." "We are going to act," Kibaki stated. He then appealed to A/S Carson for financial assistance to, "do the things that must be done." Kibaki re-emphasized his view that the Coalition government is functioning well and thanked A/S Carson for his visit.

¶11. (U) This cable has been cleared by A/S Carson and NSC Senior Director for Africa Gavin.

RANNEBERGER